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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/474,569	12/29/1999	ROLAND LAMER	70191/239	2393
7590	11/02/2005			
JOSEPH D KUBORN ANDRUS SCEALES STARKE & SAWALL 100 EAST WISCONSIN AVENUE SUITE 1100 MILKWAUKEE, WI 53202			EXAMINER NGUYEN, NHON D	
			ART UNIT 2179	PAPER NUMBER

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/474,569	Applicant(s) LAMER, ROLAND	
	Examiner Nhon (Gary) D. Nguyen	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16-23 and 25-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-23 and 25-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to RCE, filed 08/19/2005.
2. Claims 1-14, 16-23 and 25-35 are pending in this application. Claims 1, 14, 23 and 32 are independent claims. In this amendment, no claim is canceled, no claim is amended, and no claim is added. This action is made non-final.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 5-14, 16-23 and 25-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Wong et al. ("Wong", US 6,260,021).

As per claims 1, 14, 23 and 32, Wong teaches a computer implemented method and corresponding system for integrating patient data comprising the steps/means:

a display unit (e.g. 38 of fig. 1);

a first application configured to display patient images for a patient on the display unit (col. 7, lines 42-51) and generate patient context data for the patient (col. 7, line 59 – col. 8, line 14);

Art Unit: 2179

a second application in data communication with the first application (col. 7, line 59 – col. 8, line 14); and

a workstation coupled to the display unit and configured to operate both the first application and the second application that reside on the workstation (col. 8, lines 15-30), the first application configured to send the patient context data to the second application and the second application configured to receive the patient context data and to display patient data on the display unit based on the patient context data (col. 7, line 59 – col. 8, line 14).

As per claims 2 and 33, Wong teaches the first application is configured to retrieve patient image data from a picture archival and communication system (PACS) (col. 7, lines 42-51).

As per claims 3, 16, 25 and 34, Wong teaches the second application is configured to retrieve patient textual data from a radiology information system (RIS), wherein the patient data includes the patient textual data (col. 7, line 59 – col. 8, line 14).

As per claims 5, 20 and 29, Wong teaches the second application is selected from the group consisting of a case sign out application, a report entry application, an order detailing application, and an order viewer application (col. 11, lines 35-39).

As per claim 6, Wong further teaches comprising a second workstation coupled to the workstation, the second workstation configured to operate the second application (e.g. col. 7, lines 59-65).

As per claims 7 and 8, Wong teaches the second application is coupled to the first application via an object request broker and further comprising a bridge coupled between the second application and the object request broker, wherein the second application communicates via the component object model (COM) (col. 7, line 59 – col. 8, line 14 and col. 12, lines 59-62).

As per claims 9, 10, 21 and 30, Wong further teaches the first application generating the patient context data in response to user input at the input unit, wherein the input unit is selected from the group consisting of a mouse, a voice recognition system, a keystroke, a switch, and a light pen (col. 8, line 53 – col. 9, line 21).

As per claims 11, 12, 17 and 26, Wong teaches the patient context data includes patient identification data (col. 8, lines 31-52), wherein the patient context data includes user identification data (col. 10, lines 28-47).

As per claims 13, 22 and 31, Wong teaches the patient data includes patient examination information (col. 11, lines 36-41).

As per claims 18, 19, 27 and 28, Wong teaches the step of sending includes generating an event based on the patient context data and providing the event to the second application and further comprising converting the event from a first object model to a second object model and providing the converted event to the second application (col. 10, line 48 – col. 11, line 16).

As per claim 35, Wong further teaches a third application in data communication with the first application, the third application configured to receive the patient context data sent from the first application and to retrieve and display patient data for the patient based on the patient context data (col. 7, line 59 – col. 8, line 14 and col. 12, lines 59-62).

Because applicant failed to traverse the examiner's assertion of Official Notice in claim 4 in the last Office Action, the common knowledge in the art statement in the last Office Action is taken to be admitted prior art.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wong in view of Applicant's admitted prior art.

As per claim 4, Wong teaches the system is used to display medical images with different resolutions (col. 10, lines 25-27); Wong, however, does not suggest the display monitor having a resolution of at least 90 dpi. This feature is taught by Applicant's admitted prior art. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a display monitor having a resolution of at least 90 dpi in Wong's system since it would have displayed medical images with a higher quality.

Response to Arguments

7. Applicant's arguments filed 08/19/2005 have been fully considered but they are not persuasive.

Applicant argued that Wong does not teach the first application configured to generate patient context data for the patient, nor the first application configured to send the patient context data to the second application and the second application configured to receive the patient context data and to display patient data on the display unit based on the patient context data.

The Examiner disagrees for the following reasons:

Wong does teach a first server-side application within the medical image server 12 (fig. 1) configured to generate context data for the patient by uploading GUI from the client systems (col. 10, lines 50-54). Furthermore, the first server-side application is configured to send the requested patient context data to the second application running within the RI system 18 to request the patient data (e.g., col. 7, line 63 – col. 8, line 14) and to display the requested patient data on the display unit 38 (col. 8, lines 6-14).

Inquiries

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D. Nguyen whose telephone number is (571)272-4139. The examiner can normally be reached on Monday - Friday with every other Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571)272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhon (Gary) Nguyen
October 28, 2005



WEILUN LO
SUPERVISORY PATENT EXAMINER